

1           A.     No.

2           Q.     So it's your testimony here today that nobody  
3     at any time at ToyotaLift told you that you should  
4     rack the batteries, is that right?

5           A.     That's right.

6           Q.     Nobody employed with ToyotaLift?

7           A.     Nobody.

8           Q.     At any point in time, did anybody with East  
9     Penn tell you that you should rack the batteries?

10          A.     That day.

11          Q.     Which day?

12          A.     The day I was just telling you that I was  
13     making my last -- my last stop. I was leaving and  
14     Zach Christie messaged me and said that when I got to  
15     ToyotaLift to put the batteries on the rack.

16          Q.     Okay. And what did you tell him?

17          A.     And I told him I had already left there and  
18     that we didn't put the batteries on the rack there,  
19     and he said that -- he asked me if I ever did, and I  
20     said that we had years earlier, but we hadn't in a  
21     long time and I had it worked out with them.

22                 And then he said, "Moving forward, we need to  
23     put them on the rack."

24                 I think that was the last text I sent him,  
25     and then I was back to the shop, and I went and he

1 said that they wanted them on the rack. And I said,  
2 "Well, they need to move the rack away from the wall  
3 so I don't have to get on my hands and knees to put  
4 these batteries on." I said, "The rack is made to  
5 load from the back so that you can just slide the  
6 batteries forward."

7 He said that he would discuss it with them,  
8 and I said -- and I told him -- I said, "I don't get  
9 paid enough to get on my hands and knees and reach up  
10 under this rack and pull these batteries out and stuff  
11 the new ones all back up in there," and that I wasn't  
12 going to do it. And I said, "So you need to get the  
13 rack pulled out away from the wall."

14 Q. So you refused to do what you had been asked  
15 to by your superior, is that correct?

16 A. I told him I wouldn't get on my hands and  
17 knees to pull them batteries out, and he said that he  
18 was going to see if he could get the rack pulled out.  
19 He would check into it.

20 Q. And the reason you gave him for that, was  
21 like you just said a moment ago, is because you didn't  
22 get paid enough to do that, correct?

23 A. I said I didn't get paid enough to get on my  
24 hands and knees and crawl around on their floor to  
25 pull those batteries out.

1 wrapped and knew how many they had and what they were,  
2 I would go back in and ask them for a signature for  
3 the batteries and the -- and the junks.

4           But I never left a pallet there. I never  
5 left a pallet with batteries on it, and at no time did  
6 they ever -- I thought I was doing exactly what they  
7 wanted. They told me to leave the batteries by the  
8 rack. They never at any time told me to put the  
9 batteries on the rack.

10          Q. It says here that "The assumption from them  
11 was that once the driver was better, he would begin  
12 placing the batteries on the rack. The driver never  
13 mentioned an injury to us, and as far as I know, the  
14 Medical Department was never involved either. The  
15 customer is a good customer of ours and do order on a  
16 consistent basis."

17           So you never -- I just want to make it clear.  
18 You never reported any workplace injury of any kind to  
19 East Penn, correct?

20          A. I reported my knee injury when I got hired --  
21 my knee surgery.

22          Q. Right. And you were not given any rating or  
23 any inability to perform any job function, correct?

24          A. Right. But if you get on your hands and  
25 knees on a concrete, dirty floor and crawl around on

1           your knees, it hurts. And that's what -- I said,  
2           "Crawling around on this -- trying to get these out of  
3           this bottom rack --" I said, "Can you just pull it  
4           away from the---"

5                 And they said, "You don't need to put them on  
6           the rack. Just stack them right here by it," and  
7           that's what I did. Every week -- every time I  
8           delivered, I stacked them right where they asked me  
9           to, and they had never, not once, ever said, "Hey, we  
10          need them -- we need them on that rack."

11               If they had, I would have tried to address  
12          them on moving the rack so it made it way easier, but  
13          they never asked. They never -- I never really -- I  
14          would set the batteries in. I'd go get the junk  
15          batteries. I'd come back out. I'd go in and get a  
16          couple of signatures and leave. It wasn't---

17               Q. Were you always in a hurry when you were  
18          there?

19               A. I don't think I was ever in a hurry. It  
20          was -- I was -- I didn't rush through anything. I  
21          always made sure I put them where they wanted. I  
22          picked up the junks. You had to count the junks,  
23          figure out which ones were which. I always had  
24          everything wrote up.

25               Q. Did you ever go to people at Atlantic Coast